

**REMARKS**

The above-identified application is United States application serial number 09/549,451 filed on April 14, 2000. Claims 1-35 are pending in the application. Claims 1-35 are rejected under 35 U.S.C. §102(b) as being anticipated by Ballantyne et al (U.S. Patent No. 5,867,821).

The applicants herein amend claims 1, 3, 5-7, 14, 20, 24-26, 28-30.

**Rejection of Claims Under 35 U.S.C. § 102(b)**

Regarding the rejection of Claims 1-35 under 35 U.S.C. § 102(b) as being anticipated by Ballantyne et al, the applicants have amended several of the claims. Claim 1 is amended to clarify that the controller includes at least the following: (1) logic for controlling the health test interface to acquire health test measurement data, (2) logic for processing the health test measurement data to generate a health care test result for a user, (3) logic for controlling storage of the health care test result in the local storage in a storage element allocated for the user, and (4) logic for controlling storage of the health care test result in the remote storage in a storage element allocated for the user.\* The controller in the system disclosed by Ballantyne et al does not include logic for controlling acquisition of data and logic for processing the health management data, but merely "interfaces with specific external health monitoring equipment to register and track" patient characteristics.

The Ballantyne system does not include one controller that executes methods and procedures for both controlling network communications and processing a health care measurement.

Claims 14 and 24 are amended to specify that the health services and information system includes health care kiosks that include a controller with a capability to appraise user health care risk on the basis of diagnostic test data acquired at the health care kiosk, user health care information entered by the user at the health care kiosk, and user information stored at the user storage. Ballantyne et al make no mention of a health care risk appraisal.

Amendment of other claims

Claims 3, 5-7, 20, 25-26, 28-30 are amended to more consistently describe various aspects of the systems and to correct any minor errors. These amendments are not made to distinguish over the cited references.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned at (949) 718-5200.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on November 26, 2001.

  
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Date of Signature

Respectfully submitted,



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